

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated April 3, 2006, indicated that claims 1-22 stand rejected under 35 U.S.C. § 102(e) over Huang *et al.* (U.S. Patent No. 6,836,478).

Applicant respectfully traverses the Section 102(e) rejections of all of the claims over the '478 reference because the cited portions do not correspond to the claimed limitations as suggested, either in substance or arrangement. For many claim limitations, including those in each of the independent claims (1, 15 and 20), the Office Action fails to cite or even allege correspondence with the '478 reference. Where the Office Action does attempt to address claimed limitations, the discussion draws from a multitude of disparate portions of the '478 reference without showing how these portions either correspond to the claimed limitations, relate to one another or operate together. In many instances, the different cited portions relate to different figures and different devices and any relationship is unclear at best. As indicated at M.P.E.P. §2131, "the identical invention must be shown in as complete detail as is contained in the ... claim" (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1239, 9 U.S.P.Q.2d 1913, 1920 (Fed Cir. 1989)). M.P.E.P. §2131 further indicates that various portions of a reference cannot be asserted together to anticipate of a claim unless the reference arranges the limitations as they are arranged in the claim. *See, e.g., In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In failing to cite any portion of the '478 reference that shows all of the limitations arranged as claimed in the instant application, the Office Action has failed to show correspondence to the claimed limitations in a manner consistent with M.P.E.P. §2131. In this regard, the Office Action fails to provide correspondence to the claimed limitations, and the Section 102 rejections should be removed.

The discussion of the Section 102 rejection begins with a discussion of claim 1, and follows that discussion with a broad and unsupported assertion that "[c]laims 15 and 20 contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis." This statement is unsupported by any discussion as to what is equivalent and how such equivalence is applicable to the statements made with

the rejection of claim 1. If the Examiner is asserting that certain claimed limitations are equivalent to the cited portions of the '478 reference (or to any prior art reference), evidence in support of such an assertion is lacking. The Office Action makes a similar statement of "substantial similarity" in rejecting dependent claims 16, 17 and 19 as relevant to other claims, yet the claimed limitations are clearly different and, as such, the Office Action provides no correspondence to these claims. In this regard, the Section 102 rejections of independent claims 15 and 20 (and therefore of the claims that depend therefrom) are improper.

Turning specifically to the content of the rejections, the discussion of claim 1 (and as asserted applicable to claims 15 and 20) fails to provide correspondence to a variety of claimed limitations, focusing upon limited functionality asserted as relevant to the claims. For example, the Office Action fails to cite portions of the '478 reference that correspond to claimed limitations directed to a computer having a display, a user interface, and a programmable controller (*e.g.*, see claim 1). Regarding claim 15, the Office Action does not allege correspondence to a user interface device having a display and adapted to provide IP telephony configuration information to a user. Also regarding claim 15, the Office Action fails to show a programmable CPU coupled to the user interface and that controls functions of selected IP telephony devices. Regarding claim 20, the Office Action fails to show a programmable server having an IP telephony switch and an OOP interface, with the server controlling a communications network and a plurality of telephony device sin response to received telephony control selections. The rejections thus fail to explain where the claimed limitations are taught in a manner consistent with 35 U.S.C. §132. Without such explanation, Applicant is unable to ascertain where the Examiner is asserting any correspondence between the cited reference(s) and the claimed limitations and is thus unable to adequately respond to the rejections.

In addition to the above, the portions of the '478 reference cited in the Office Action in connection with various claimed limitations do not correspond to these claimed limitations as suggested. For example, the Office Action cites columns 3- 7, 9, and 17-19, which refer to three different figures and different devices therein, as corresponding to claimed limitations directed to providing user-selected IP telephony configuration information to a control center to control communications between and programmably

configure the control center and IP telephony devices (*e.g.*, see claim 1). None of these cited portions describe, for example, user-selected IP telephony configuration information or any implementation of the user-selected configuration. Moreover, the '478 reference does not describe or show any implementation of user-selected configuration information. It is unclear as to how the Office Action could possibly be asserting these cited portions of the '478 reference as corresponding to the claimed limitations. For example, column 3 discusses a broadband network that can be used for carrying IP telephony signals. Lines 16-17 of column 5 mention a "central station 200" that appears to be implemented for routing data between IP and publicly-switched networks; the Office Action also fails to explain how this structure is configurable as claimed. Column 7 discusses the central station 200's use of gateways, and columns 4 and 17 discuss a residential gateway 300, with the cited portion of column 19 discussing processors for the residential gateway, but it is unclear as to how the Office Action applies this to any claim limitations. None of these cited portions of the '478 reference describe "providing user-selected IP telephony configuration information" (*e.g.*, from a display) to the central station 200 or in any manner to control communications and programmably configure the central station or any IP telephony device.

Regarding the limitations directed to a user interface and programmable controller adapted to "display a control interface," the Office Action's citation to "integrated communication interfaces" in column 3 is inapplicable. These communication interfaces are directed to interfaces between a gateway and a different device such as a TV or PC; there is no discussion of a user interface (*i.e.*, a visual interface) and any related functionality. Furthermore, the display 338 discussed at column 20 is not taught as controlling an IP telephony device or of telephony system configuration. In this regard, the rejections also appear misguided as to these limitations.

The rejections of the dependent claims fail for the reasons stated above in connection with independent claims 1, 15 and 20. Therefore, these rejections need not be discussed further. Moreover, in as far as the Applicant can understand the rejections, it appears that the '478 reference does not correspond to all of the claimed limitations, such as those directed to: call announce features (various claims); an OOP applet (claim 3); the provision of configuration information to a control center via an IP telephony device (claim 6); accessing a database via user-defined shuffle search statements (claim 8);

the provision of system status information (claim 10); and user-interface control of a variety of settings including IP address assignment, permissions and more (claim 11 – a DN server carries these out in the '478 reference). In this regard, should the rejection be maintained or a new rejection be issued, Applicant reserves the opportunity to address these dependent claim limitations.

In short, the Section 102 rejections are incomplete in failing to address all of the claimed limitations, and the portions of the '478 reference that are cited in connection with the rejection do not correspond to the claimed limitations. In this regard, Applicant is unable to understand the Section 102(e) rejections in a manner as required in 35 U.S.C. §132 in order to judge the propriety of the rejection, and to the extent the rejections are understood, there is no correspondence between the cited reference and the claimed limitations. Therefore, Applicant requests that the Section 102 rejections be removed.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

Dated: 

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

By: 

Robert J. Crawford
Reg. No. 32,122
Eric J. Curtin
Reg. No. 47,511